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ER 4022-87
14 August 1987

MEMORANDUM FOR: Deputy Director of Central Intelligence
Executive Director
Director, Intelligence Community Staff
Deputy Director for Administration
Deputy Director for Intelligence
Deputy Director for Operations
Deputy Director for Science and Technology
General Counsel
Inspector General
Comptroller
Director, Office of Congressional Affairs
Director, Office of Public Affairs
Chairman, National Intelligence Council
Counselor to the DCI
Director, DCI/DDCI Executive Staff
Executive Secretary
Administrative Officer, DCI

FROM: Director of Central Intelligence

SUBJECT: Acting Director of Central Intelligence

1. Both Mr. Gates and I will be absent 16-24 August. Mr. James H. Taylor will serve as Acting Director of Central Intelligence for the period 16-19 August. Mr. Evan Hineman, as the most senior Deputy Director by date of appointment, will serve as Acting Director of Central Intelligence beginning 20 August until the DDCI's return on 24 August.

2. The delegation of all authorities to the Executive Director and the Deputy Director for Science and Technology excludes those reserved by law as set forth in Attachment A. While serving as Acting DCI, these two officers will neither assume the statutory office of the DCI nor accrue powers of the office.

3. From 24-29 August, Mr. Gates will be Acting Director of Central Intelligence and shall act for, and exercise the powers of, the Director as provided by the National Security Act.

William H. Webster

Attachments:
As stated

cc: Senior Duty Officer, Operations Center

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ATTACHMENT A

Authorities Not Delegated as a Matter of Law

1. The authority of the DCI to execute formal claims of states secrets privilege. (See Reynolds v. U.S., 345 U.S. 1 (1953)).

2. The authority of the DCI to execute certifications under the Foreign Intelligence Surveillance Act. (See 50 U.S.C. § 1801 and Executive Order 12139 dated 23 May 1979.)

3. Pursuant to Executive Order 12333 as currently implemented by procedures promulgated under Executive Order 12036, the authorities of the DCI or DDCI which relate to intelligence activities of the Central Intelligence Agency conducted pursuant to Attorney General guidelines and subject to review and approval of the Attorney General; such authorities include:

   - Authority of DCI to request Attorney General approval of Central Intelligence Agency participation in foreign counterintelligence activities conducted in the United States (paragraph 1 of § 1-805 Procedures).

   - Authority of DCI to approve Central Intelligence Agency participation in Federal Bureau of Investigation or Department of Defense counterintelligence activities conducted in the United States (paragraph 2 of § 1-805 Procedures).

   - Authority of DCI to request Attorney General approval of surreptitious and continuous electronic or mechanical monitoring (paragraph 8 of § 2-203 Procedures).

   - Authority of DCI to request FBI to undertake surreptitious and continuous electronic or mechanical monitoring (paragraph 17 of § 2-203 Procedures).

   - Authority of DCI to request Attorney General approval of unconsented physical searches directed against United States persons abroad (paragraph 11 of § 2-204, 205 Procedures).

   - Authority of DCI to request FBI to conduct a physical search (paragraph 19 of § 2-204, 205 Procedures).

   - Authority of DCI to approve each instance in which Agency employees have undisclosed participation in an organization within the U.S. in order to identify and develop foreign nationals as sources or contacts (paragraph 5.g of § 2-207 Procedures).

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- Authority of DCI to approve categories of permissible undisclosed participation (paragraph 8 of § 2-207 Procedures).

- Authority of DCI to request Attorney General approval of other types of undisclosed participation (paragraph 11 of § 2-207 Procedures).

- Authority of DCI to request FBI to undertake electronic surveillance in the United States (paragraph A.3 of § 2-208 Procedures).

- Authority of DCI to request Attorney General approval of electronic surveillance (paragraph A.5 of § 2-208 Procedures).

- Authority of DCI to approve classes or categories of covert procurement (paragraph 6 of § 2-303 Procedures).

- Authority of DCI to request Attorney General approval to assist federal, state or local law enforcement agencies (paragraph 6 of § 2-309c Procedures).

- Authority of DCI to designate subordinates to execute various specified functions as specified in the Executive Order 12036 Procedures (See, e.g., § 2-206).

- Authority of DCI to apply for Presidential exceptions to the Executive Order 12036 Procedures.

4. Under Executive Order 12065, the authorities of the DCI which relate to the classification of documents. Such functions include:

- Authority of the DCI (or DDCI) to classify a document after receipt of a request for such document under the FOIA or Mandatory Review provisions of the Executive Order on classification. (See § 1-606 of Executive Order 12065.)

- Authority of the DCI to delegate Top Secret classification authority (See § 1-204 of Executive Order 12065.)

- Authority of DCI to extend the classification period for individual documents beyond twenty years (See § 3-401 of Executive Order 12065.)

- Authority of the DCI to create a special access programs to control particularly sensitive classified information (See § 4-201 of Executive Order 12065.)

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